

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----  
TAMMY JUNE, )  
 )  
Plaintiff, ) Civil Action No. 8:24-cv-00389 (GTS/DJS)  
 )  
v. )  
 )  
EQUITABLE FINANCIAL LIFE )  
INSURANCE COMPANY & TRUSTEES )  
OF THE BUSINESS COUNCIL OF NEW )  
YORK STATE, INC. INSURANCE )  
FUND, )  
 )  
Defendants. )  
-----

**STIPULATION TO DISMISS TRUSTEES OF THE BUSINESS COUNCIL OF NEW  
YORK STATE, INC. INSURANCE FUND  
WITHOUT PREJUDICE AND TO AMEND CAPTION**

Plaintiff Heather Tammy June and Defendant Equitable Financial Life Insurance Company (“Equitable”), by their undersigned counsel, who are duly authorized to enter into this Stipulation, hereby agree to and stipulate the following:

1. Plaintiff Heather Tammy June seeks to recover long-term disability (“LTD”) benefits as the result of her participation in an employee benefit welfare plan sponsored by Defendant Trustees of the Business Council of New York State, Inc. Insurance Fund (“Plan”).
2. LTD benefits payable under the Plan are funded by an insurance policy issued by Equitable (“Policy”).
3. The decision to deny LTD benefits was made by Equitable.
4. To the extent the Court were to determine that Ms. June is entitled to LTD benefits pursuant to the terms of the Policy, those benefits will be payable by Equitable.

5. Based on the allegations contained in Plaintiff's Complaint, the parties stipulate that Trustees of the Business Council of New York State, Inc. Insurance Fund is not a necessary and indispensable party to the within action at this time.

6. Pursuant to Fed. R. Civ. P. 41(a)(1), Plaintiff's Complaint is dismissed without prejudice against Trustees of the Business Council of New York State, Inc. Insurance Fund only.

7. The parties further stipulate and agree that the caption shall be amended to change the only named defendant to "Equitable Financial Life Insurance Company." A copy of the amended case caption is attached hereto as Exhibit A.

April 15, 2024

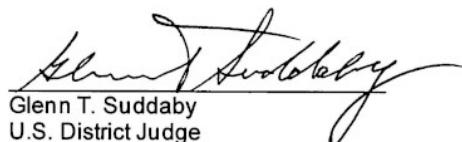
/s/ Howard D. Olinsky  
Howard D. Olinsky (Bar Roll # 865591)  
OLINSKY LAW GROUP  
250 S. Clinton St., Ste. 210  
Syracuse, NY 13202  
(315) 701-5780  
[holinsky@windisability.com](mailto:holinsky@windisability.com)

**Attorneys for Plaintiff**

/s/ Brian P. Downey  
Brian P. Downey (Bar Roll No. 516126)  
TROUTMAN PEPPER HAMILTON  
SANDERS LLP  
100 Market Street, Suite 200  
P.O. Box 1181  
Harrisburg, PA 17108-1181  
(717) 255-1155  
[brian.downey@troutman.com](mailto:brian.downey@troutman.com)

***Attorney for Defendant Equitable Financial  
Life Insurance Company***

**IT IS SO ORDERED:**



Glenn T. Suddaby  
U.S. District Judge

Dated: April 16, 2024

**EXHIBIT A**

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

-----  
TAMMY JUNE, )  
 )  
 Plaintiff, ) Civil Action No. 8:24-cv-00389 (GTS/DJS)  
 )  
 v. )  
 )  
 EQUITABLE FINANCIAL LIFE )  
 INSURANCE COMPANY, )  
 )  
 Defendant. )  
 )  
 )  
 )  
-----